

North Carolina Cemetery Commission

Quarterly Meeting Minutes

April 17, 2024

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Wednesday, April 17, 2024, at the Hilton in North Hills, Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: Mr. Brian Hill, Ms. Sharon Weaver, Ms. Bonita Caldwell, Mr. David Simmons, Ms. Ebbie Hendren, and Mr. Gantt Stephens, Director of Operations, were also in attendance.

The meeting was called to order at 10:00 am. President Gaffney called for a moment of silence.

The first item of the meeting was the agenda approval. Ms. Whitley Hendren moved to approve the agenda as written. The motion was seconded by Mr. Hill. All voted in favor of accepting the agenda as written.

The next item for approval was the minutes from the January 24, 2024, meeting. Ms. Caldwell moved to approve the minutes as distributed. The motion was seconded by Ms. Whitley Hendren. All voted in favor.

I. Conflict of Interest:

President Gaffney declared that, in accordance with the State Government Ethics Act 138A 15E, it is the duty of every Commission member to avoid both conflicts of interest and appearances of conflicts regarding the matters being brought before them and to refrain from any undue participation in the matters involved.

No Commissioners declared conflicts of interest regarding agenda items today.

II. Operations Report - Mr. Stephens began by reviewing the operations report.

Mrs. Whitley Hendren asked for clarification on what the next steps were regarding Bon-A-Venture Memorial Park. During the discussion regarding the reports of Bon-A-Venture Memorial Gardens, Mr. Joe Trostel was in attendance and offered information regarding the intent of the Friends of Bon-A-Venture, Inc. Mr. Stephens reminded the Commissioners that the owner of the cemetery, Mrs. Lura Angel, passed away last year and her heirs have not been active in the cemetery business. No sales occur. There are only burials occurring from previously purchased grave spaces.

Mrs. Whitley Hendren moved to revoke the license of the cemetery on the basis the cemetery is no longer actively in business. Discussion included clarification that the cemetery would still be responsible for responding to complainants. The motion passed unanimously.

Requests from Public to Speak – President Gaffney invited any member of the public wishing to address the Commission to come forward.

- 1) Mr. Terrence Everitt, representing a formal complainant about Markham Memorial Gardens from Ms. Mary Dickerson, was in attendance. Mr. Everitt explained that there is a dispute between Ms. Dickerson and the ownership of Markham regarding the location of the burial plots she purchased. The written response from the cemetery explained the person who sold the plots was not licensed and the cemetery had no records of Ms. Dickerson's purchase. As a result, the space Ms. Dickerson believed she purchased was sold to a different consumer. No deed was issued to the consumer. The only records provided were from the consumer. There is evidence of a \$657.00 deposit. Mr. Everitt explained they believe that the remaining \$3,285.00 balance was also paid, although there is no record of this. Mr. Everitt explained they believe the record-keeping at Markham caused this discrepancy and are seeking the Commission's guidance. Markham Memorial Gardens has offered to refund the documented \$657.00. Mr. Everitt concluded that they would present a counteroffer to Markham Memorial Gardens and copy the Commission on such correspondence.

III. New Business:

- a. **Gardens of Gethsemane – Rocky Mount – Outstanding Complaint Reply:** Mr. Stephens explained that Gardens of Gethsemane ownership has not responded to numerous attempts to solicit a reply to a formal complaint. The complaint was provided in the Commissioners materials for review. Ms. Whitley Hendren moved to suspend the pre-need sales counselors' licenses until a formal written response addressing the complainant has been received by the Commission office. Mr. Hill seconded the motion. All voted in favor.
- b. **Sunrise Memorial Gardens – Late Reporting:** Mr. Stephens explained that Sunrise Memorial Gardens is not in compliance with the required monthly and annual reporting. Ms. Whitley Hendren asks for clarification regarding whether this is a pattern. Mr. Stephens explained that it is a repeat occurrence. Ms. Whitley Hendren moved to suspend the sales licenses of Sunrise Memorial Gardens until the outstanding reports and fines have been received by the Commission office. Mr. Hill seconded the motion. All voted in favor.
- c. **Shepherd Memorial Park – Change of Trustee from Cemetery Funds of NC to Pinehurst Funds:** Mr. Stephens explained that Mr. Gary McDowell, the receiver for Shepherd Memorial Park, has submitted a request to change the trustee for the perpetual care and preneed trust accounts. The Commissioners were provided with a draft agreement to review. Mrs. Hendren questioned if it was allowable for a receiver to change the trustee while a property is still under the supervision of the court. Ms. Weaver asked if there was a rationale provided regarding the intent of the trustee change. Mr. Gaffney called for a motion. Ms. Hendren moved to table this item for the next quarterly meeting. Ms. Weaver seconded the motion. The motion passed.

IV. Old Business:

- a. **Harnett Devotional Gardens License Suspension –** Mr. Stephens reminded the Commissioners of the license suspension imposed on Harnett Devotional Gardens at the

Jan 2024 meeting due to failure to respond to a formal consumer complaint. Mr. Stephens explained the cemetery has responded and paid the associated fines as required. Ms. Whitley Hendren moved to reinstate the sales licenses for Harnett Devotional Gardens following their compliance with the complaint process. Motion seconded by Mr. Hill. Motion passed.

- b. **Shepherd Memorial Receivership** – Mr. Stephens provided an update on the receivership progress. He explained that the cemetery has been inspected and remains under the supervision of the court and the receiver, Mr. Gary McDowell. The next court date will be in May 2024.
- c. **SMMP Legal Updates**- Mr. Stephens provided an update on the legal actions associated with Smoky Mountain Memorial Park cemeteries, Fairview Memorial Park, and Swain Memorial Park. The court ruled in favor of the Commission setting a precedent for such future cemetery acreage encumbrance disputes.

V. REMINDER OF NEXT MEETING DATE:

Mr. Gaffney reminded all in attendance that the next scheduled quarterly meeting will take place on **TUESDAY**, JULY 23rd, 2024, at 10:00 a.m. at the Hilton in North Hills, Raleigh.

VI. Adjournment:

Ms. Caldwell moved to adjourn the meeting. Ms. Whitley Hendren seconded the motion. All in favor. Meeting adjourned.